

LITCHFIELD CAVO LLP

An Illinois Limited Liability Partnership

Tobin A. Butler, Esquire

Attorney I.D. No.: 016911995

457 Haddonfield Rd., Suite 200

Cherry Hill, NJ 08002

(856) 854-3636

Attorneys for Defendant, Bed Bath
& Beyond, Inc.

LUSE AKDEMIR	:	SUPERIOR COURT OF NEW JERSEY
	:	MIDDLESEX COUNTY
Plaintiff,	:	LAW DIVISION
	:	
v.	:	CIVIL ACTION
	:	
BED BATH & BEYOND, INC.; DISPLAY	:	DOCKET NO. MID-L-452-23
MAX, INC.; JOHN DOES 1-5 (unknown	:	
individual property owners); ABC CORP 1-	:	
5 (unknown corporate property owners);	:	
JOHN DOES 6-10 (unknown individual	:	
maintenance persons); ABC CORP. 6-10	:	DEFENDANT, BED BATH & BEYOND,
(unknown corporate maintenance	:	INC.'S NOTICE OF PENDENCY OF
companies); JOHN DOES 11-15 (unknown	:	BANKRUPTCY AND AUTOMATIC
individual display installation persons);	:	STAY OF PROCEEDINGS
ABC CORP. 11-15 (unknown corporate	:	
display installation companies),	:	
	:	
Defendants.	:	

Please take notice that on April 23, 2023, Bed Bath & Beyond, Inc. (the debtor) filed a Voluntary Petition for Relief under Chapter 11 of Title 11 of the United States Bankruptcy Code 11 U.S.C. Section 101, et seq. (the Bankruptcy Code) in the United States Bankruptcy Court for the District of New Jersey. (Attached hereto) The debtor's Chapter 11 case is being administered under the following caption: IN RE Bed Bath & Beyond, Inc., No. 23-13359-VFP (Bankruptcy D. New Jersey).

Please take further notice that, pursuant to Section 362 of the Bankruptcy Code, the filing of the Petition stays, among other things, the initial or continuation of judicial, administrative or

rather actions or proceedings against the debtor or any act to obtain possession of or exercise control over property of the debtor.

Please take further notice that pursuant to applicable law, all claims and causes of action in the present case against Bed Bath & Beyond, Inc. are subject to the automatic stay.

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By: s/ Tobin A. Butler
For the Firm
Attorneys for Defendant, Bed Bath &
Beyond, Inc.

Dated: May 5, 2023

Fill in this information to identify the case:

United States Bankruptcy Court for the:

District of New Jersey

(State)

Case number (if known): _____ Chapter 11

☐ Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's Name Bed Bath & Beyond Inc.

2. All other names debtor used in the last 8 years N/A

Include any assumed names, trade names, and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 1 1 - 2 2 5 0 4 8 8

4. Debtor's address **Principal place of business** **Mailing address, if different from principal place of business**

650 Liberty Avenue

Number Street

Number Street

P.O. Box

Union, New Jersey 07083

City State Zip Code

City State Zip Code

Location of principal assets, if different from principal place of business

Union County

County

Number Street

City State Zip Code

5. Debtor's website (URL) https://www.bedbathandbeyond.com/

6. Type of debtor
☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

Debtor Bed Bath & Beyond Inc. Case number (if known) _____
Name

7. Describe debtor's business

A. Check One:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes> .
4422 (Home Furnishings Stores)

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check One:

- ☐ Chapter 7
- ☐ Chapter 9
- ☒ Chapter 11. **Check all that apply:**

A debtor who is a "small business debtor" must check the first sub- box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☒ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No
- ☐ Yes.

District	_____	When	MM/DD/YYYY	Case number	_____
District	_____	When	MM/DD/YYYY	Case number	_____

If more than 2 cases, attach a separate list.

Debtor Bed Bath & Beyond Inc. Case number (if known) _____
Name

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? ☐ No ☒ Yes. Debtor See Rider 1 Relationship Affiliate
District District of New Jersey When 04/23/2023
List all cases. If more than 1, attach a separate list. Case number, if known _____ MM / DD / YYYY

11. Why is the case filed in this district? Check all that apply:
☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention? ☒ No ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
Why does the property need immediate attention? (Check all that apply.)
☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
☐ It needs to be physically secured or protected from the weather.
☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
☐ Other _____

Where is the property?
Number Street
City State Zip Code

Is the property insured?
☐ No
☐ Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds Check one:
☒ Funds will be available for distribution to unsecured creditors.
☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors (on a consolidated basis) ☐ 1-49 ☐ 1,000-5,000 ☒ 25,001-50,000
☐ 50-99 ☐ 5,001-10,000 ☐ 50,001-100,000
☐ 100-199 ☐ 10,001-25,000 ☐ More than 100,000
☐ 200-999

Debtor **Bed Bath & Beyond Inc.**
Name

Case number (if known)

15. Estimated assets (on a consolidated basis)	<input type="checkbox"/>	\$0-\$50,000	<input type="checkbox"/>	\$1,000,001-\$10 million	<input type="checkbox"/>	\$500,000,001-\$1 billion
	<input type="checkbox"/>	\$50,001-\$100,000	<input type="checkbox"/>	\$10,000,001-\$50 million	<input checked="" type="checkbox"/>	\$1,000,000,001-\$10 billion
	<input type="checkbox"/>	\$100,001-\$500,000	<input type="checkbox"/>	\$50,000,001-\$100 million	<input type="checkbox"/>	\$10,000,000,001-\$50 billion
	<input type="checkbox"/>	\$500,001-\$1 million	<input type="checkbox"/>	\$100,000,001-\$500 million	<input type="checkbox"/>	More than \$50 billion
16. Estimated liabilities (on a consolidated basis)	<input type="checkbox"/>	\$0-\$50,000	<input type="checkbox"/>	\$1,000,001-\$10 million	<input type="checkbox"/>	\$500,000,001-\$1 billion
	<input type="checkbox"/>	\$50,001-\$100,000	<input type="checkbox"/>	\$10,000,001-\$50 million	<input checked="" type="checkbox"/>	\$1,000,000,001-\$10 billion
	<input type="checkbox"/>	\$100,001-\$500,000	<input type="checkbox"/>	\$50,000,001-\$100 million	<input type="checkbox"/>	\$10,000,000,001-\$50 billion
	<input type="checkbox"/>	\$500,001-\$1 million	<input type="checkbox"/>	\$100,000,001-\$500 million	<input type="checkbox"/>	More than \$50 billion

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 04/23/2023
MM/DD/YYYY

x /s/ Holly Etlin
Signature of authorized representative of debtor

Holly Etlin
Printed name

Title **Chief Financial Officer and Chief Restructuring Officer**

18. Signature of attorney

x /s/ Michael D. Sirota
Signature of attorney for debtor

Date 04/23/2023
MM/DD/YYYY

Michael D. Sirota
Printed name

Cole Schotz P.C.
Firm name

Court Plaza North, 25 Main Street
Number Street

Hackensack
City

New Jersey **07601**
State ZIP Code

(201) 489-3000
Contact phone

msirota@coleschotz.com
Email address

014321986 **New Jersey**
Bar number State

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Attorneys for Defendant, Bed Bath & Beyond, Inc.

LUSE AKDEMIR

Plaintiff,

v.

BED BATH & BEYOND, INC.; DISPLAY
MAX, INC.; JOHN DOES 1-5 (unknown
individual property owners); ABC CORP 1-
5 (unknown corporate property owners);
JOHN DOES 6-10 (unknown individual
maintenance persons); ABC CORP. 6-10
(unknown corporate maintenance
companies); JOHN DOES 11-15 (unknown
individual display installation persons);
ABC CORP. 11-15 (unknown corporate
display installation companies),

Defendants.

: SUPERIOR COURT OF NEW JERSEY

: MIDDLESEX COUNTY

: LAW DIVISION

: CIVIL ACTION

: DOCKET NO. MID-L-452-23

: DEFENDANT, BED BATH & BEYOND,
: INC.'S NOTICE OF PENDENCY OF
: BANKRUPTCY AND AUTOMATIC
: STAY OF PROCEEDINGS

I, Tobin A. Butler, Esquire, hereby certify that on May 5, 2023, I caused a true and correct copy of Defendant, Bed Bath & Beyond, Inc.'s Notice of Pendency of Bankruptcy and Automatic Stay of Proceedings to be served upon the Court and all counsel of record via the Superior Court of New Jersey's eCourts Civil electronic filing system.

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An Illinois Limited Liability Partnership

By: s/ Tobin A. Butler

For the Firm

Attorneys for Defendant, Bed Bath &
Beyond, Inc.

Dated: May 5, 2023

